# GOVERNMENT OF INDIA
# COMMERCE AND INDUSTRY
# LOK SABHA

UNSTARRED QUESTION NO:1298
ANSWERED ON:25.07.2016
Amendment to Patent Rules
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**Will the Minister of COMMERCE AND INDUSTRY be pleased to state:**

(a) whether the Government has amended patent rules and introduced several measures including a system similar to tatkal for speedy clearance of patent applications by start-ups as well as entities choosing India for the first filing of patent;

(b) if so, the details thereof along with the time by which these revised patent rules are likely to be enforced by the Government;

(c) whether a large number of patent applications are lying pending with the Government and if so, the details thereof along with the reasons therefor and the steps taken to clear these applications; and

(d) whether the Government proposes to bring down the time period for initial examination of patent applications and if so, the details thereof?

## Answer

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THE MINISTER OF STATE (INDEPENDENT CHARGE)
OF THE MINISTRY OF COMMERCE & INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a) & (b): Yes, the Patent Rules have been amended to include provisions for expedited examination of patent applications on any of the following grounds, namely:-

i) that India has been indicated as the competent International Searching Authority or elected as an International Preliminary Examining Authority in the corresponding international application; or

ii) that the applicant is a startup.

The amended Patent Rules have already been notified and have come into force on 16th May, 2016.

(c) & (d): Pendency of patent applications is measured in terms of pending Requests of Examination awaiting disposal at different stages of processing in Patent Offices. There are 2,06,025 unexamined Patent Applications (Requests for Examination) pending with the Indian Patent Offices as on date. This pendency is primarily due to shortage of manpower.

The Government has taken several steps to bring down the time period for initial examination of patent applications, which are enumerated below:-

â€¢ 458 Examiners of Patents and Designs have been appointed on regular basis. Their training has already commenced.

â€¢ Patent Rules, 2003 have been amended and notified on 16.05.2016 to simplify procedures and timelines for disposal of patent applications.

â€¢ Online facility for filing of applications has been strengthened so as to reduce the workload at Patent Offices as also save the time of applicants.

â€¢ In order to facilitate the examination work and optimize the speed and quality of examination, number of measures like computerized work-flow and IT enabled functioning have been implemented in the Patent offices.

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